

# STAVROS

CENTER FOR INDEPENDENT LIVING, INC.

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February 23, 1997

Office of the Secretary  
The Federal Communication Commission  
1919 M Street NW  
Washington DC 20054

To The Commission:

We submit these comments for the Commission's review on the Notice of Proposed Rulemaking, MM-Docket 95-176. We, Angelina Ramirez, Lorna Laferriere, and Jeannette Costa, from Stavros Center for Independent Living wish to express our concerns over the this notice released on January 17, 1997.

Stavros Center for Independent Living is an organization that has been in existence for over 20 years. We service people with a variety of disabilities, and we wish to voice our concerns in the issue of closed caption. We all service consumers of closed captions and for years have been involved with the Deaf and Hard of Hearing community trying to address this issue. We have worked at the local level with TV stations in both trying to allocate equipment and funding so that they can provide appropriate captions. We have a number of concerns in a variety of issues.

## Responsibility for Captioning

1. The provider responsibility should indeed be shared with the producers and this must be specified so that the programming provider does not end up been economically burden. Producers should ultimately be responsible for those programs that they make, as they are responsible for the cost of sound or visual effects.

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## B. Obligation as to Non Exempt Programming Transition Rules for New Programming

1. We do believe that captioning of new programming should be phased in over a period of eight years. Phasing in within this amount of time will give non-exempt programming the ability to adapt and make the captioning of programs part of their routine. However, extending the amount of time may cause similar delays as extension have caused in other laws such as in the case of the ADA.

3. Although providers may be in touch with communities as to what is needed, this on itself will not guarantee that they seek needed funding to produce the captions. Therefore, we ask that a priority list be required by the Commission to help in the implementation of the captioning schedule. We believe that local news, weather forecasts should be within first priorities.

4. With respect to MVPD we do believe that certain regulations should be provided. This regulations should address the need for captioning to be a system wide basis and not 25% over a certain network only.

5. The percentage of programming should apply to each program service or channel transmitted by an MVPD.

6. To determine if the percentage of programming caption have been met we should look at the amount of programming monthly on a system wide basis. Determination of percentage may be more easily collected and will allow for a variation on channels, time periods and parts of the country. However, we should not forget about creating a measure by which networks could evaluate themselves and their local channels or cable stations.

7. Although we recognize that availability for such funding may eventually disappear networks and cable stations should start developing their own mean of funding. This funding should be started so that local stations who do not have access to funding at the federal or national level can benefit and in fact be able to provide the captioning required.

8. Although we recognize that when reformatting or editing prerecorded materials captions may likely need reformatting, the cost related to this should not be more of that of voicing. Since technology is fast advancing this may not be at all costly or as time consuming as expected. Therefore, we believe that captioning should be kept intact when editing of pre-recorded materials regardless of whether the provider has met the required percentage. We believe that in fact if something has already been captioned, uncaptioning or blocking of the captions will be a step backward. We believe that all existing captioning should be left untouched or edited as needed. A loophole should not be created in this regulations to allow for limiting or editing the captioning due to percentage of captioning already achieved. If this was the case then networks already providing over 80% captioning will not have a reason to comply with the regulations.

9. Captioning regulations should not by any means interfere with the development of technology. Although we are aware that by creating certain technologies people in the field of captioning may be somewhat displaced we do not expect the development of technology to limit the personnel needed to provide captions. The developments of technologies should be encouraged so that we can maximize the amount of existing captioning. After all the purpose of these regulations is to increase the access to information to people with hearing disabilities.

#### G. Standards for Accuracy and Quality.

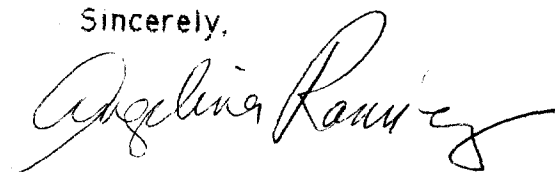
1. We agree with the Commission position of extending Section 76.606 to cover all video program providers. This ruling will have a beneficial effect on people with hearing disabilities.

2. In this issue we disagree with the Commission. We believe quality standards should be set in a manner that will benefit the consumer of such captions. We believe that guidelines provided should be implemented as rules. If no rules are specified and no regulations on quality are outlined we have minus well no have any captions. We are afraid that once captioning is made mandatory a booming industry may be created. Although, presently most captioning providers are efficient to some respect, people new to the industry may have very little or no experience and may in fact jeopardize the quality of captions. We do believe that although requirements as to who is a qualified captioner may develop on its own by the industry, quality and accuracy of captions may not. Quality and accuracy may in fact be affected by competition among providers of captions. This competition

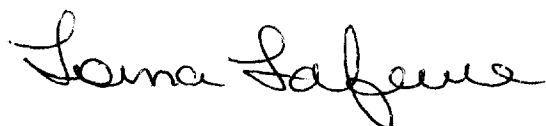
may drive off high quality caption providers out of business. At a very minimum we request that the guidelines offer within the Commission's report be followed to develop standards for accuracy and quality. We understand also the possibility that these regulations may not be a requirement in the beginning stages. However, we do not want to be asking for regulations in this issues 8 years from now when programming providers have already become accustomed to certain price ranges or politics of the business. To us is better to deal with this aspect of captioning now, in that way programming providers do not have to expect a changing on rules midway to implementation.

In conclusion we feel that a time limit of eight years should be established to complete closed caption and priority list should be set. We also feel strongly that the Commission should set up guidelines on quality and accuracy. We do not want to wait another 10 years for what people who are hearing have had for over 20 years.

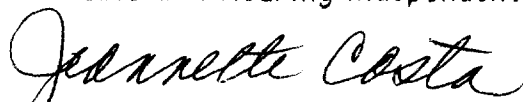
Sincerely,



Angelina Ramirez  
AT Project Coordinator



Lorna Laferriere  
Deaf & Hard of Hearing Independent Living Director



Jeannette Costa  
Deaf Community Advocate